

RECEIVED

RESOLUTION NO. 08.09.01

2008 AUG -5 AM 11: 20

**RESOLUTION OF THE BOARD OF TRUSTEES OF THE ACTON-AGUA DULCE  
UNIFIED SCHOOL DISTRICT OF THE COUNTY OF LOS ANGELES, CALIFORNIA,  
ORDERING AN ELECTION TO AUTHORIZE THE ISSUANCE OF SCHOOL BONDS,  
ESTABLISHING SPECIFICATIONS OF THE ELECTION ORDER, AND REQUESTING  
CONSOLIDATION WITH OTHER ELECTIONS OCCURRING ON NOVEMBER 4, 2008**

WHEREAS, in the judgment of the Board of Trustees (the "Board") of the Acton-Agua Dulce Unified School District (the "District"), it is advisable to call an election to submit to the electors of the District the question whether bonds of the District (the "Bonds") shall be issued and sold for the purpose of raising money for the acquisition and improvement of real property, and the furnishing and equipping of high school facilities; and

WHEREAS, as a result of the approval of Proposition 39 on November 7, 2000, Article XIII A, Section 1, paragraph (b), of the California Constitution ("Article XIII A") provides an exception to the limit on ad valorem property taxes on real property for bonded indebtedness incurred by a school district approved by 55 percent of the voters of the District voting on the proposition; and

WHEREAS, the Board is specifically authorized, upon approval by a two-thirds vote of the Board, to pursue the authorization and issuance of bonds by a 55 percent vote of the electorate on the question whether bonds of the District shall be issued and sold for specified purposes, pursuant to Education Code Section 15264 *et seq.* (the "Act"); and

WHEREAS, pursuant to the California Elections Code, it is appropriate for the Board to request consolidation of the election with any and all other elections to be held on Tuesday, November 4, 2008, and to request the Los Angeles County Registrar of Voters to perform certain election services for the District; and

NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees of the Acton-Agua Dulce Unified School District the following:

**Section 1. Call for Election.** The Board hereby orders an election and submits to the electors of the District the question of whether general obligation bonds of the District shall be issued and sold in the maximum principal amount of \$13,000,000 for the purpose of raising money to finance high school facilities and property of the District, and paying costs incident thereto, as set forth more fully in the ballot proposition approved pursuant to Section 3. This Resolution constitutes the order of the District to call such election.

**Section 2. Election Date.** The date of the election shall be November 4, 2008, and the election shall be held solely within the boundaries of the District.

**Section 3. Purpose of Election; Ballot Proposition.** The purpose of the election shall be for the voters in the District to vote on a proposition, a full copy of which is attached hereto and marked Exhibit A, containing the question of whether the District shall issue the Bonds for the purposes stated therein, together with the

accountability requirements of Article XIII A and Government Code Section 53410 and the requirements of Section 15272 of the Act. As required by Elections Code Section 13247, the abbreviated form of the measure to appear on the ballot is attached hereto and marked as Exhibit B. The Superintendent or his designee (each an "Authorized Officer") is hereby authorized and directed to make any changes to the text of the proposition or this resolution as required to conform to any requirements of Article XIII A, the Act, or the Los Angeles County Registrar of Voters.

**Section 4. Authority for Election.** The authority for ordering the election is contained in Section 15264 *et. seq.* of the Education Code and Section I, paragraph (b), subsection (3), of Article XIII A. The authority for the specification of this election order is contained in Section 5322 of the Education Code.

**Section 5. School Facilities Projects.** As required by Article XIII A, the Board hereby certifies that it has evaluated safety, class size reduction, enrollment growth, and information technology needs in developing the list of school facilities projects set forth on Exhibit A-1.

**Section 6. Covenants of the Board upon Approval of the Bonds by the Electorate.** As required by Article XIII, Section 15278 of the Act, and Government Code Section 53410, in the event 55 percent of the voters voting in the District approve of the Bonds, the Board shall:

1. conduct an annual, independent performance audit to ensure that the funds have been expended only on the projects listed in Exhibit A-1;
2. conduct an annual, independent financial audit of the proceeds from the sale of the Bonds until all of those proceeds have been expended for the school facilities projects listed in Exhibit A-1;
3. establish and appoint members to an independent citizens' oversight committee in accordance with Sections 15278, 15280, and 15282 of the Act;
4. apply the bond proceeds only to the specific purposes stated in the ballot proposition;
5. cause creation of accounts into which bond proceeds shall be deposited; and
6. cause the preparation of an annual report pursuant to Government Code Sections 53410 and 53411.

**Section 7. Delivery of this Resolution.** The Clerk of the Board or Authorized Officer is hereby directed to send a copy of this Resolution to the Los Angeles County Superintendent of Schools, the Los Angeles County Registrar of Voters (the "County Registrar") and the Los Angeles County Clerk of the Board of Supervisors. The County Registrar is hereby requested to print the Full Text of Measure set forth on Exhibit A hereto, in the ballot materials and to publish the School Bond Election Notice attached hereto as Exhibit C in a newspaper of general circulation within the District.

### OFFICER'S CERTIFICATE

I, Mark Distaso, President of the Board of Trustees of the ACTON-AGUA DULCE UNIFIED SCHOOL DISTRICT, hereby certify that the foregoing is a full, true, and correct copy of Resolution No. 08.09.01 adopted at a regular meeting place thereof on the 31st day of July, 2008, of which meeting all the members of said Board of Trustees had due notice and at which a majority thereof were present, and that at said meeting said resolution was adopted by the following vote:

AYES: 4

NOES: 0

ABSENT: 1

An agenda of said meeting was posted at least 24 hours before said meeting at Acton, California, a location freely accessible to members of the public, and a brief general description of said resolution appeared on said agenda.

I further certify that I have carefully compared the same with the original minutes of said meeting on file and of record in my office; that the foregoing resolution is a full, true and correct copy of the original resolution adopted at said board meeting and entered in said minutes; and that said resolution has not been amended, modified or rescinded since the date of its adoption, and the same is now in full force and effect.

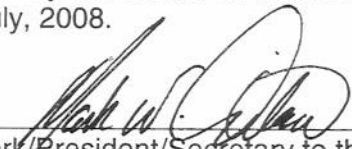
Dated: July 31, 2008

  
\_\_\_\_\_  
President of the Board of Trustees of the  
ACTON-AGUA DULCE UNIFIED SCHOOL  
DISTRICT

- Section 8. Consolidation of Election.** The County Registrar and the Los Angeles County Board of Supervisors are hereby requested to consolidate the election ordered hereby with any and all other elections to be held on November 4, 2008, within the District.
- Section 9. Ballot Arguments; Tax Rate Statement.** Any and all members of this Board are hereby authorized to act as an author of any ballot argument prepared in connection with the election, including a rebuttal argument. The Superintendent, President of the Board, or their designees, are hereby authorized to execute any Tax Rate Statement or other document and to perform all acts necessary to place the bond measure on the ballot.
- Section 10. Agreements Approved.** The Superintendent is authorized and directed to execute the agreements on file with Jones Hall, A Professional Law Corporation, which firm is appointed hereby to perform bond counsel and disclosure counsel services in regard to the Bonds and Caldwell Flores Winters, Inc., as Financial Advisor.
- Section 11. Election Services.** Pursuant to Section 5303 of the Education Code and Section 10002 of the Elections Code, the Board of Supervisors of Los Angeles County, is requested to permit the Registrar of Voters to render all services specified by Section 10418 of the Elections Code relating to the election, for which services the District agrees to reimburse Los Angeles County in full upon presentation of a bill, such services to include the publication of a formal Notice of School Bond Election and the mailing of the sample ballot and tax rate statement (described in Section 9401 of the Elections Code).
- Section 12. Effective Date.** This resolution shall take effect on and after its adoption.

PASSED AND ADOPTED by the Board of Trustees of the Acton-Agua Dulce Unified School District the 31st day of July, 2008.

Signed:

  
\_\_\_\_\_  
Clerk/President/Secretary to the Board of Trustees  
Acton-Agua Dulce Unified School District  
County of Los Angeles, State of California

## **EXHIBIT A**

### **BALLOT MEASURE FULL TEXT OF MEASURE**

This proposition may be known and referred to as the Acton-Agua Dulce Unified School District 2008 School Improvement Bond or Measure "A"

#### **FINDINGS**

The Acton-Agua Dulce Unified School District is comprised of three elementary schools, a junior high school, and a high school and services approximately 1,897 students. In 1993, the District unified and established Vasquez High School. The District has gathered community input to make sure the proposed bond program makes sense, and has a clear plan to improve Vasquez High School. Over the past year, the District has worked with the community and undergone a careful planning process to address school facilities needs. Improving our high school to ensure adequate facilities benefits everyone. It is less expensive to build the proposed facilities now than in the future when they will only cost us more money. The planning process has included meetings throughout the community, as well as special board meetings with the Acton and Agua Dulce Town Councils.

We need to replace portable facilities with permanent classrooms and support facilities at Vasquez High School. With the addition of the school facilities constructed from this bond the school district may be able to share some of the facilities with the community.

The District will continue to utilize all available revenue options available, including Developer Fees. However, Developer Fees alone are insufficient to fund the required improvements. The General Fund is budgeted in large part on annual funds from the State to cover the many ongoing costs of running a school district including instruction and teacher salaries. The funds available do not account for needs including school repair and construction. State law prohibits the use of lottery funds for the repair or construction of school facilities. A school bond would enable the District to address these needs.

#### **BOND AUTHORIZATION**

By approval of this proposition by at least 55 percent of the registered voters voting on the proposition, the District shall be authorized to issue and sell bonds of up to \$13,000,000 in principal at interest rates below the legal limit, to provide financing for the specific high school facilities projects listed in the Bond Project List attached hereto as Exhibit A-1, subject to all the accountability requirements specified below.

#### **BOND PROJECT LIST**

The Bond Project List attached to this resolution as Exhibit A-1 shall be considered a part of the ballot proposition and shall be reproduced in any official document required to contain the full statement of the bond proposition.

Approval of this Bond Measure (the "Measure") does not guarantee that the proposed project or projects in the District that are the subject of bonds under the Measure will be funded beyond the local revenues generated by the Measure. If state matching funds become available, they will be used for and applied to the Bond Project List as per Exhibit A-1. The District's proposal



for the project or projects assumes the receipt of matching state funds, which could be subject to appropriation by the Legislature or approval of a statewide bond measure.

### **ACCOUNTABILITY REQUIREMENTS**

The provisions in this section are specifically included in this proposition in order that the voters and taxpayers in the District may be assured that their money will be spent wisely to address specific high school facilities needs of the District all in compliance with the requirements of Article XIII A, Section 1(b)(3), of the State Constitution and the Strict Accountability in Local School Construction Bonds Act of 2000 (codified at Education Code Sections 15264 and following.)

**Evaluation of Needs.** The Board, after a year long process involving staff members, parents, students, and community members at each school site throughout the District, has prepared an updated facilities plan in order to evaluate and address all of the facilities needs of the District and determine which projects to finance from a local bond at this time. The Board hereby certifies that it has evaluated safety, class size reduction, enrollment growth, and information technology needs in developing the Bond Project List contained in Exhibit A-1.

**Independent Citizens' Oversight Committee.** The Board shall establish an Independent Citizens' Oversight Committee pursuant to Education Code Section 15278 and following to ensure bond proceeds are expended only on the high school facilities projects listed in Exhibit A-1. The committee shall be established within 60 days of the date when the results of the election appear in the minutes of the Board.

**Performance Audits.** The Board shall conduct an annual, independent performance audit to ensure that the bond proceeds have been expended only on the school facilities projects listed in Exhibit A-1.

**Financial Audits.** The Board shall conduct an annual, independent financial audit of the bond proceeds until all of those proceeds have been spent for the high school facilities projects listed in Exhibit A-1.

**Special Bond Proceeds Account: Annual Report to Board.** Upon approval of this proposition and the sale of any bonds approved, the Board shall take actions necessary to establish an account in which proceeds of the sale of bonds will be deposited. As long as any proceeds of the bonds remain unexpended, the Superintendent of the District shall cause a report to be filed with the Board annually, stating (1) the amount of bond proceeds received and expended in that year, and (2) the status of any project funded or to be funded from bond proceeds. The report may relate to the calendar year, fiscal year, or other appropriate annual period as the Superintendent shall determine and may be incorporated in the annual budget, audit, or another appropriate routine report to the Board.

### **FURTHER SPECIFICATIONS**

**No Administrator Salaries.** Proceeds from the sale of bonds authorized by this proposition shall be used only for the construction, reconstruction and/or rehabilitation of school facilities including the furnishing and equipping of school facilities or acquisition or lease of real property for school facilities and construction management by district personnel and not for any other purpose, including teacher and administrator salaries and other school operating expenses.

The proceeds of the bonds will be deposited into a Building Fund to be held by the Los Angeles County Treasurer, as required by the California Education Code.

**EXHIBIT B**

**MEASURE A**

<p>"To acquire, construct and improve high school facilities, shall the Acton-Agua Dulce Unified School District be authorized to replace portables with permanent high school classrooms and facilities, construct additional classrooms, including science labs, and qualify for approximately \$9,500,000 in State matching funds by issuing up to \$13,000,000 in bonds at interest rates within legal limits, with annual audits, a citizens' oversight committee, and no money for administrator salaries?"</p>	<p><b>BONDS YES</b></p>
	<p><b>BONDS NO</b></p>

64 wc



## EXHIBIT C

### SCHOOL BOND ELECTION NOTICE

NOTICE IS HEREBY GIVEN to the qualified electors of the Acton-Agua Dulce Unified School District (the "District") located in the County of Los Angeles, State of California, that in accordance with applicable law, an election will be held on Tuesday, the 4th day of November, 2008, in the District, at which election there will be submitted to the voters the question of issuing and selling bonds of said District in the amount of not to exceed Thirteen Million Dollars (\$13,000,000) in accordance with the actions relating thereto taken by the Board of Trustees of the District.

All of the purposes enumerated herein are hereby united and shall be voted upon as one single proposition.

The bonds proposed to be issued and sold shall bear interest at a rate not exceeding twelve percent (12%) per annum.

The number of years the whole or any part of the bonds are to run shall not exceed the statutory maximum, which is thirty (30) years from the date of the bonds or the date of any series thereof.

Each qualified elector of the District shall be entitled to vote only in the District election precinct of which he/she is a resident.

The electors in the District shall vote on the following measure on November 4, 2008:

"To acquire, construct and improve high school facilities, shall the Acton-Agua Dulce Unified School District be authorized to replace portables with permanent high school classrooms and facilities, construct additional classrooms, including science labs, and qualify for approximately \$9,500,000 in State matching funds by issuing up to \$13,000,000 in bonds at interest rates within legal limits, with annual audits, a citizens' oversight committee, and no money for administrator salaries?"

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

LOS ANGELES COUNTY REGISTRAR OF  
VOTERS:

By: \_\_\_\_\_

## EXHIBIT A-1

### BOND PROJECT LIST

Vasquez High School:

- ~~•~~ *U* build high school classrooms
- ~~•~~ *U* build high school science labs
- ~~•~~ *U* build a high school library
- ~~•~~ *U* build a high school cafeteria / multi-purpose room
- ~~•~~ *U* build a high school gymnasium
- ~~•~~ *U* build a high school office
- ~~•~~ *U* build high school restrooms
- ~~•~~ *U* build and renovate high school facilities to accommodate students displaced by construction, if needed
- ~~•~~ *U* furnish and equip the high school
- ~~•~~ *U* address unforeseen conditions revealed by construction/modernization (e.g., plumbing or gas line breaks, dry rot, seismic, structural, etc.)
- ~~•~~ *U* perform necessary site preparation/restoration in connection with new construction, renovation or remodeling

8-5-08  
remove bullets  
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**Tax Rate Statement In Connection With  
Acton-Agua Dulce Unified School District**

An election will be held in the Acton-Agua Dulce School District (the "District") on November 4, 2008 to authorize the sale of up to \$13,000,000 in bonds of the District to finance high school facilities as described in the Measure. Principal and interest on the bonds will be payable from the proceeds of tax levies made upon the taxable property in the District. The following information is provided in compliance with Sections 9400-9404 of the Elections Code of the State of California.

1. The best estimate of the tax which would be required to be levied to fund this bond issue during the first fiscal year after the sale of the first and last series of bonds, based on estimated assessed valuations available at the time of filing of this statement, is 2.500 cents per \$100 (\$25.00 per \$100,000) of assessed valuation in fiscal year 2009-10. The bonds are expected to be sold in one series.
2. The best estimate of the highest tax rate which would be required to be levied to fund this bond issue, based on estimated assessed valuations available at the time of filing of this statement, is 2.500 cents per \$100 (\$25.00 per \$100,000) of assessed valuation.

Voters should note that the estimated tax rates are based on the *ASSESSED VALUE* of taxable property on the County's official tax rolls, not on the property's market value. Property owners should consult their own property tax bills to determine their property's assessed value and any applicable tax exemptions.

Attention of all voters is directed to the fact that the foregoing information is based upon the District's projections and estimates only, which are not binding upon the District. The actual tax rates and the years in which they will apply may vary from those presently estimated, due to variations from these estimates in the timing of bond sales, the amount of bonds sold and market interest rates at the time of each sale, and actual assessed valuations over the term of repayment of the bonds. The dates of sale and the amount of bonds sold at any given time will be determined by the District based on the need for construction funds and other factors. The actual interest rates at which the bonds will be sold will depend on the bond market at the time of each sale. Actual future assessed valuation will depend upon the amount and value of taxable property within the District as determined by the County Assessor in the annual assessment and the equalization process.

Dated: July 31, 2008

REGISTERED CLERK  
ELECTIONS DIVISION  
COUNTY OF SAN JUAN

  
Dr. Stan Halperin, Superintendent  
Acton-Agua Dulce Unified School District

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